

Claim Amendments

The following is a complete listing of the claims that replaces all previous versions:

1. (Canceled)
2. (Currently Amended) The method of claim ~~1~~25, wherein the first business entity is a special purpose vehicle owned by the ~~company~~party.
3. (Currently Amended) The method of claim ~~1~~25, wherein the fixed price that the party is obligated to pay the purchaser pursuant to the swap agreement equals the price at which the purchaser is obligated to pay the first business entity pursuant to the purchase agreement.
- 4-6. (Canceled)
7. (Currently Amended) The method of claim ~~6~~25, wherein the second business entity is a parent of the ~~company~~party.
8. (Canceled)
9. (Currently Amended) The method of claim ~~8~~25, wherein the purchase agreement between the supply agreement.

10. (Currently Amended) The method of claim ~~625~~, wherein the second business entity is unrelated to the ~~company~~party.

11-14. (Canceled)

15. (Currently Amended) A method, comprising:

establishing a forward contract between a company and a first business entity, wherein the forward contract obligates the company to deliver volumes of a commodity to the first business entity;

the first business entity offering debt securities to investors;

establishing a purchase agreement between the first business entity and a purchaser, wherein the purchaser is separate from the company, and wherein the purchase agreement obligates the purchaser to purchase the volumes of the commodity from the first business entity; and

establishing a swap agreement between the purchaser and a ~~party~~the company, wherein the swap agreement obligates the purchaser to pay the ~~party~~company an amount equal to the price at which the purchaser sells the volumes of the commodity in the open market and obligates the ~~party~~company to pay the purchaser a fixed price; and

establishing a contingent supply agreement between the first business entity and a second business entity, wherein the contingent supply agreement obligates the second business entity to supply volumes of the commodity to the first business entity if the company fails to deliver the necessary volumes of the commodity required by the forward contract, wherein the purchase agreement between the purchaser and the first business entity permits the purchaser to terminate the purchase agreement when the company defaults on the swap agreement.

16. (Original) The method of claim 15, wherein the first business entity is a special purpose vehicle owned by the company.

17. (Original) The method of claim 15, wherein the fixed price that the party is obligated to pay the purchaser pursuant to the swap agreement equals the price at which the purchaser is obligated to pay the first business entity pursuant to the purchase agreement.

18-20. (Canceled)

21. (Currently Amended) The method of claim ~~20~~15, wherein the second business entity is a parent of the company.

22. (Canceled)

23. (Currently Amended) The method of claim ~~22~~15, wherein the purchase agreement between the purchaser and the first business entity permits the purchaser to terminate the purchase agreement when the default of the company under the swap agreement exceeds a threshold amount specified in the contingent supply agreement.

24. (Currently Amended) The method of claim ~~20~~15, wherein the second business entity is unrelated to the company.

25. (New) A method comprising:

entering into, by a purchaser, a purchase agreement with a first business entity, wherein the purchase agreement obligates the purchaser to purchase volumes of a commodity from the first business entity, wherein a party, separate from the first business entity, is obligated to deliver volumes of the commodity to the first business entity pursuant to a forward contract, and wherein the first business entity offers debt securities to investors; and

entering into, by the purchaser, a swap agreement with the party, wherein the swap agreement obligates the purchaser to pay the party an amount equal to the price at which the purchaser sells the volumes of the commodity in the open market and obligates the party to pay the purchaser a fixed price,

wherein a second business entity is obligated to supply volumes of the commodity to the first business entity pursuant to a contingent supply agreement if the party fails to deliver the necessary volumes of the commodity required by the forward contract, and wherein the purchase agreement between the purchaser and the first business entity permits the purchaser to terminate the purchase agreement when the party defaults on the swap agreement.

26. (New) The method of claim 25, wherein payments made by the purchaser to the first business entity pursuant to the purchase agreement are deposited in a collections account.

27. (New) The method of claim 26, wherein payments made by the first business entity to the investors for principal and interest amounts on the debt securities are funded by the collections account.

28. (New) The method of claim 26, wherein the collections account is maintained by a trust.

29. (New) A method comprising:

entering into, by a purchaser, a purchase agreement with a first business entity, wherein the purchase agreement obligates the purchaser to purchase volumes of a commodity from the first business entity, wherein a company, separate from the first business entity, is obligated to deliver volumes of the commodity to the first business entity pursuant to a forward contract, and wherein the first business entity offers debt securities to investors; and

entering into, by the purchaser, a swap agreement with a third party, wherein the swap agreement obligates the purchaser to pay the third party an amount equal to the price at which the purchaser sells the volumes of the commodity in the open market and obligates the third party to pay the purchaser a fixed price,

wherein a second business entity is obligated to supply volumes of the commodity to the first business entity pursuant to a contingent supply agreement if the company fails to deliver the necessary volumes of the commodity required by the forward contract, and wherein the purchase agreement between the purchaser and the first business entity permits the purchaser to terminate the purchase agreement when the third party defaults on the swap agreement.

30. (New) The method of claim 29, wherein the fixed price that the third party is obligated to pay the purchaser pursuant to the swap agreement equals the price at which the purchaser is obligated to pay the first business entity pursuant to the purchase agreement.

31. (New) The method of claim 29, wherein the purchase agreement between the purchaser and the first business entity permits the purchaser to terminate the purchase agreement when the default of the third party under the swap agreement exceeds a threshold amount specified in the contingent supply agreement.